

DOCKET NO.: CNST-3169

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Cochran, et al.

Application No.: 10/013,985

Filing Date: October 30, 2001

For: PACKAGING

Confirmation No.: 3731

Group Art Unit: 1714

Examiner: Szekely, Peter A.

DATE OF DEPOSIT:

11/23/04

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED NAME: Stephen C. Timmins
REGISTRATION NO.: 48,481

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☐ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.116 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

- ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☒ Copies of reference numbers **111 thru 131** listed on the attached Form PTO-1449 are enclosed herewith.

- ☐ Copies of reference numbers - on the attached Form PTO 1449 are not required to be submitted pursuant to 37 CFR § 1.98(a)(2)(i).

- ☐ Copies of references - are not being submitted because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application number , filed for which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.

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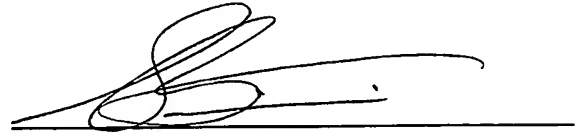
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There are no listed references which are not in the English language.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Date: 11/23/04

A handwritten signature in black ink, appearing to read 'Stephen C. Timmins', is written over a horizontal line.

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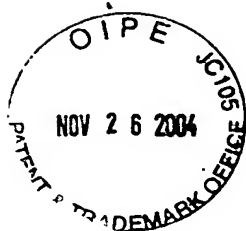
Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office		Docket No. CNST-3169	Application No. 10/013,985
		Applicant Cochran, et al.	
		Filing Date October 30, 2001	Group 1714
		Confirmation No. 3731	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	111	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Continental Pet Technologies Inc.'s Supplemental Response to Interrogatories Nos. 6 and 18 , November 17, 2003, 14 pages	
	112	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Continental Pet Technologies Inc.'s Supplemental Response to Interrogatory No. 15 , November 17, 2003, 19 pages	
	113	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Continental Pet Technologies Inc.'s Second Supplemental Response to Interrogatories Nos. 6 & 18 , December 19, 2003, 17 pages	
	114	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Expert Report of Martin J. Adelman with attached Exhibits 1 thru 3 , January 15, 2004, 14 pages and attached Exhibits 1 thru 3	
	115	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Report of Dr. Mark Rule on Anticipation and Obviousness (Sensitive Confidential) , January 15, 2004, 76 pages	
	116	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Report of Dr. Mark Rule on Inequitable Conduct (Sensitive Confidential) , January 15, 2004, 38 pages	
EXAMINER		DATE CONSIDERED	



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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	117	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Expert Report of Dr. Mark Rule on 35 U.S.C. § 112 (Sensitive Confidential) , January 15, 2004, 68 pages	
	118	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Appendix of Materials Cited in Expert Reports of Mark Rule , January 15, 2004, 1 of 4, With Attached Exhibits 1 thru 45	
	119	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Appendix of Materials Cited in Expert Reports of Mark Rule , January 15, 2004, 2 of 4, With Attached Exhibits 46 thru 75	
	120	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Appendix of Materials Cited in Expert Reports of Mark Rule , January 15, 2004, 3 of 4, With Attached Exhibits 76 thru 77	
	121	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Appendix of Materials Cited in Expert Reports of Mark Rule , January 15, 2004, 4 of 4, With Attached Exhibits 78 thru 89	
	122	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Continental Pet Technologies Inc's Second Supplemental Response to Interrogatory No. 15 , February 10, 2004, 24 pages	
EXAMINER		DATE CONSIDERED	



Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office		Docket No. CNST-3169	Application No. 10/013,985
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	123	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Supplemental Expert Report of Dr. Mark Rule on Enablement (Sensitive Confidential) , March 3, 2004, 6 pages	
	124	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Expert Report of Dr. Robert C. Armstrong Responding to the Report by Dr. Mark Rule on 35 U.S.C. § 112 , April 13, 2004, 23 pages	
	125	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Expert Report of Dr. Robert C. Armstrong Responding to the Report by Dr. Mark Rule on Inequitable Conduct , April 13, 2004, 19 pages	
	126	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Exhibits to Expert Report of Dr. Robert C. Armstrong Responding to the Report by Dr. Mark Rule on Inequitable Conduct, Expert Report of Dr. Robert C. Armstrong Responding to the Report by Dr. Mark Rule on Anticipation and Obviousness, Expert Report of Dr. Robert C. Armstrong Responding to the Report by Dr. Mark Rule on 35 U.S.C. § 112 , Binder 1, With Attached Exhibits 1 thru 25	
EXAMINER		DATE CONSIDERED	



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	127	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Exhibits to Expert Report of Dr. Robert C. Armstrong Responding to the Report by Dr. Mark Rule on Inequitable Conduct, Expert Report of Dr. Robert C. Armstrong Responding to the Report by Dr. Mark Rule on Anticipation and Obviousness, Expert Report of Dr. Robert C. Armstrong Responding to the Report by Dr. Mark Rule on 35 U.S.C. § 112, Binder 2, With Attached Exhibits 26 thru 51	
	128	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Expert Report by Morris Salame in Response to the Expert Report of Mark Rule on Anticipation and Obviousness, April 13, 2004, 37 pages	
	129	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Exhibits to Expert Report by Morris Salame in Response to the Expert Report of Mark Rule on Anticipation and Obviousness, Volume I, With Attached Exhibits A thru J	
	130	In the United States District Court for The District of Delaware, Constar International, Inc., Chevron Phillips Chemical Company LP and Chevron Research and Technology Company v. Continental Pet Technologies, Inc., C.A. No. 99-234-JJF, Exhibits to Expert Report by Morris Salame in Response to the Expert Report of Mark Rule on Anticipation and Obviousness, Volume II, With Attached Exhibits K thru X	
	131	News Release, "Constar Receives 25.1 Million in Settlement of OXBAR® Infringement Action, Constar International, Inc., 2 Pages	
EXAMINER		DATE CONSIDERED	